



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,985	11/26/2001	Brian N. Benschoter	61575-1005	2859

7590 02/09/2005

Alex L. Yip
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

EXAMINER

BATURAY, ALICIA

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/994,985	BENSCHOTER ET AL.	
	Examiner	Art Unit	
	Alicia Baturay	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01312005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-60 are pending.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on page 2, line 2. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-33, 35-41, and 46-60 are rejected under 35 U.S.C. 102(e) as being unpatentable over Ahmad et al. (U.S. 6,263,507).
6. With respect to claim 1, Ahmad discloses a method for providing information from a database, comprising: storing a plurality of information segments in the database (Ahmad, col. 30, lines 18-22); providing an option to review content of at least part of an information segment; selecting information segments from the database (Ahmad, col. 9, lines 47-60); and allowing a user to manipulate an organization of a subset of the selected information segments to affect a presentation thereof (Ahmad, col. 15, lines 25-32).
7. With respect to claims 2, 21, and 47, Ahmad discloses the method further comprising loading the subset of the selected information segments into a memory (Ahmad, col. 30, lines 18-22).
8. With respect to claims 3, 22, and 48, Ahmad discloses the method where the memory is associated with a personal computer (Ahmad, col. 30, lines 18-22).

Art Unit: 2155

9. With respect to claims 4, 23, and 49, Ahmad discloses the method where the memory is associated with a set-top box (Ahmad, col. 11, lines 36-40).
10. With respect to claims 5, 24, and 50, Ahmad discloses the method where the memory is associated with a personal video recorder (Ahmad, col. 19, line 66 – col. 20, line 4).
11. With respect to claims 6 and 51, Ahmad discloses the method further comprising providing indicators representing the selected information segments (Ahmad, col. 16, line 56 – col. 17, line 8), where the organization of the subset of the selected information segments is allowed to be manipulated by arranging in a selected order the indicators corresponding to the subset of the selected information segments (Ahmad, col. 35, lines 45-52).
12. With respect to claim 7, Ahmad discloses the method further comprising presenting the subset of the selected information segments in the same order as the corresponding indicators (Ahmad, col. 35, lines 45-52).
13. With respect to claim 8, Ahmad discloses the method where the indicators are stored in a buffer (Ahmad, Fig. 2A, element 203; col. 16, line 56 – col. 17, line 8).
14. With respect to claim 9, Ahmad discloses the method where the presenting includes playing, pausing, rewinding, or fast forwarding the corresponding information segments (Ahmad, Fig. 2B, element 216; col. 15, lines 45-57).

Art Unit: 2155

15. With respect to claim 10, Ahmad discloses the method where the corresponding information segments include video clips, and the presenting includes skipping forward or backward at least one video clip (Ahmad, Fig. 2B, element 216; col. 15, lines 45-57).
16. With respect to claims 11, 26, 38, and 52, Ahmad discloses the method where at least one of the information segments in the database includes a video clip (Ahmad, col. 9, lines 47-60).
17. With respect to claims 12, 27, 39, and 53, Ahmad discloses the method where at least one of the information segments in the database contains visual information (Ahmad, col. 9, lines 47-60).
18. With respect to claims 13, 28, 40, and 54, Ahmad discloses the method where at least one of the information segments in the database contains audio information (Ahmad, col. 9, lines 47-60).
19. With respect to claims 14, 29, 41, and 55, Ahmad discloses the method where at least one of the information segments in the database contains text information (Ahmad, col. 9, lines 47-60).
20. With respect to claims 15 and 56, Ahmad discloses the method further comprising realizing the presentation on a computer (Ahmad, col. 11, lines 55-64).

Art Unit: 2155

21. With respect to claims 16 and 57, Ahmad discloses the method further comprising realizing the presentation on a television (Ahmad, col. 5, lines 42-44).
22. With respect to claims 17 and 58, Ahmad discloses the method where the television interfaces with a set-top box (Ahmad, col. 11, lines 36-40).
23. With respect to claims 18 and 59, Ahmad discloses the method where the television interfaces with a personal video recorder (Ahmad, col. 19, line 66 – col. 20, line 4).
24. With respect to claims 19 and 60, Ahmad discloses the method further comprising realizing the presentation on a media player (Ahmad, col. 13, lines 62-67).
25. With respect to claim 20, Ahmad discloses a method for presenting information segments from a database, comprising: providing a buffer (Ahmad, Fig. 2A, element 203; col. 16, line 56 – col. 17, line 8); receiving selections of information segments in the database, the selected information segments being represented by respective indicators in the buffer (Ahmad, col. 16, line 56 – col. 17, line 8); arranging a subset of the indicators in a selected order; and presenting particular information segments represented by the subset of the indicators corresponding thereto, the particular information segments being presented in the same order as the corresponding indicators arranged in the subset (Ahmad, col. 35, lines 45-52).

26. With respect to claims 25 and 37, Ahmad discloses the method where the buffer includes a virtual cart (Ahmad, col. 16, lines 56-67).
27. With respect to claim 30, Ahmad discloses the method further comprising selecting the indicator subset (Ahmad, col. 18, lines 45-49).
28. With respect to claim 31, Ahmad discloses the method where the indicator subset is arranged in response to input commands (Ahmad, col. 35, lines 45-52).
29. With respect to claim 32, Ahmad discloses a method for presenting information segments from a database, comprising: receiving a request including one or more preferences concerning desired information segments; searching the database in response to the request (Ahmad, col. 15, lines 45-49); providing an indicator representative of at least one information segment selected from the database which satisfies the preferences (Ahmad, col. 17, lines 9-18); placing the indicator in a buffer (Ahmad, Fig. 2A, element 203; col. 16, line 56 – col. 17, line 8); arranging the indicator with at least a second indicator in the buffer in a selected order, the second indicator being representative of a second information segment; and presenting the selected information segment and the second information segment in the selected order (Ahmad, col. 35, lines 45-52).
30. With respect to claim 33, Ahmad discloses the method where the request is formulated in accordance with a predetermined search template (Ahmad, col. 15, lines 45-49).

Art Unit: 2155

31. With respect to claim 35, Ahmad discloses the method where the request is received through a network (Ahmad, col. 20, lines 7-15).
32. With respect to claim 36, Ahmad discloses the method where the network includes at least part of an Internet (Ahmad, col. 20, lines 7-15).
33. With respect to claim 46, Ahmad discloses a system for serving information segments for presentation thereof, comprising: a database containing a plurality of information segments (Ahmad, col. 30, lines 18-22); a processing unit for providing an option to review content of at least part of an information segment (Ahmad, col. 9, lines 47-60); an interface for selecting information segments from the database (Ahmad, col. 15, lines 8-14); and a controller for allowing a user to manipulate an organization of a subset of the selected information segments to affect a presentation thereof (Ahmad, col. 15, lines 25-32).

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. Claims 34, and 42-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmad and further in view of Herz et al. (U.S. 6,020,883).

Art Unit: 2155

36. With respect to claim 34, Ahmad discloses providing an indicator representative of at least one information segment selected from the database which satisfies the preferences (Ahmad, col. 17, lines 9-18). But Ahmad does not expressly disclose a method of deriving preferences from a user preference file. However, Herz does teach the method where the preferences are derived from a user preference file (Herz, col. 9, lines 31-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ahmad and Herz in order to form a program made up of a composite of several source materials (Herz, col. 3, lines 12-14).

37. With respect to claim 42, the combination of Ahmad and Herz (Ahmad-Herz) discloses a method for presenting information segments from a database, comprising: generating preferences for selecting information segments from the database (Herz, col. 25, lines 8-14); providing a buffer for retaining indicators of information segments selected according to the preferences (Ahmad, Fig. 2A, element 203; col. 16, line 56 – col. 17, line 8); arranging a subset of the indicators in a selected order; and presenting particular information segments represented by the subset of the indicators corresponding thereto, the particular information segments being presented in the same order as the corresponding indicators arranged in the subset (Ahmad, col. 35, lines 45-52).

38. With respect to claim 43, Ahmad-Herz discloses the method according to claim 42, where the generating step comprises: receiving information regarding a user's identity; using the

Art Unit: 2155

information to verify the user's identity; and retrieving a user preference file based on the verified identity (Herz, col. 26, lines 23-38).

39. With respect to claim 44, Ahmad-Herz discloses the method where the user preference file includes the preferences for selecting information segments from the database (Herz, col. 25, lines 8-14).

40. With respect to claim 45, Ahmad-Herz discloses the method further comprising generating a customized interface based on the preferences in the user preference file (Herz, col. 25, lines 17-29).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
February 2, 2005


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER